

James E. Cecchi  
Lindsey H. Taylor  
Donald E. Ecklund  
CARELLA, BYRNE, CECCHI,  
OLSTEIN, BRODY & AGNELLO  
5 Becker Farm Rd.  
Roseland, NJ 07068  
(973) 994-1700

Joseph P. Guglielmo  
SCOTT+SCOTT, ATTORNEYS AT LAW,  
LLP  
The Chrysler Building  
405 Lexington Ave., 40<sup>th</sup> Floor  
New York, NY 10174  
(212) 223-6444

Christopher M. Burke  
SCOTT+SCOTT, ATTORNEYS AT LAW,  
LLP  
707 Broadway, Suite 1000  
San Diego, CA 92101  
(619) 233-4565

*Counsel for Plaintiffs and Class Counsel*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE:

NUTELLA MARKETING AND SALES  
PRACTICES LITIGATION

Civil Action No. 11-1086(FLW)(DEA)

**NOTICE OF MOTION**

To: All Persons on ECF Service List

PLEASE TAKE NOTICE that on Monday, March 21, 2016, at 10 a.m. or as soon thereafter as counsel may be heard, the undersigned counsel for Plaintiffs Marnie Glover and Jayme Kaczmarek shall move before Hon. Freda L. Wolfson, U.S.D.J. at the United States Courthouse, 402 East State Street, Trenton, New Jersey for an Order approving: (1) the final accounting of the settlement proceeds; and (2) payment of the undisbursed settlement proceeds of \$360,904.92, to the proposed *cy pres* beneficiaries: (i) Consumer Federation of America (“CFA”); and (ii) National Consumer Law Center (“NCLC”); and (iii) America’s Grow a Row, in accordance with the terms of the Settlement Agreement dated January 10, 2012, that was

finally approved by this Court on July 31, 2012. Defendant consents to the relief sought in this motion.

The undersigned intends to rely upon the annexed Brief, and the Declarations of Mark Cowen, Stephen Brobeck, Chip Paillex, and Richard E. Dubois.

The undersigned hereby requests oral argument in the event timely opposition papers are filed.

CARELLA, BYRNE, CECCHI,  
OLSTEIN, BRODY & AGNELLO  
*Counsel for Plaintiff Kaczmarek and Class Counsel*

By: /s/ Lindsey H. Taylor  
LINDSEY H. TAYLOR

Dated: February 17, 2016

Christopher M. Burke  
SCOTT+SCOTT, ATTORNEYS AT LAW, LLP  
707 Broadway, Suite 1000  
San Diego, CA 92101  
(619) 233-4565

Joseph P. Guglielmo  
SCOTT+SCOTT, ATTORNEYS AT LAW, LLP  
The Chrysler Building  
405 Lexington Ave., 40th Floor  
New York, NY 10174  
(212) 223-6444

*Counsel for Plaintiff Glover and Class Counsel*